Court No. 2

Withdrawal Application no. 24 of 2003
in
Writ Petition No. 626 (M/B) of 2001

Alok Sharda and others ……..... Petitioner
Vs.
State OF Uttaranchal and others……..…… Respondent
……

Hon. P. C. Verma, A.C.J.
Hon. Irshad Hussain, J.

Heard Sri Sharad Sharma, learned counsel for the applicants/petitioners. Sri L.P.Naithani and Sri B.P. Nautiyal, learned counsel for the interveners.

This is an application for the withdrawal of the writ petition, which has been filed by the petitioner against the cancellation of the auction dated 1.6.2001. This Court on 12.06.2001 by interim order provided that the second auction may be held but the same shall not be finalized.

In view of the participation in the auction, both the petitioners as well as interveners have deposited their security money. Now, the question arises as to whose security money should be forfeited and whose security money should be refunded. Obviously, the writ petition was filed by the petitioner challenging the second auction and now he seeks permission to withdraw the writ petition. Therefore, it was because of the petitioner that the security money of the interveners was got held up with the respondent authorities. The permission to withdraw the writ petition is granted. The security of the interveners shall be refunded and the concerned authority shall proceed for fresh auction, if required, in accordance with rules.

So far as the security money of the petitioners is concerned, the authorities are directed to take decision in accordance with rules.

Subject to above, the application is disposed of.

(Irshad Hussain,J.) **(P.C. Verma, A.C.J.)**

Dt. 9.4.2003
A